

REMARKS

Claims 1, 5-8, 10, 14-17 and 21-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Alcott (US 6,324,273) in view of Panizzon et al. (US 4,219,700) and further in view of Majmudar et al. (US 4,897,866). Applicants respectfully traverse because none of the references, alone or in combination, disclose or suggest at least the feature of processing a first data structure and an availability data to determine that the first telecommunication feature has become available to the first party "in response to upgrading the portion of the telecommunication network which serves the first party", which is recited by the claims as amended.

Alcott discloses a system for providing a network enabled platform for customers to directly order, provision and establish subscription telecommunication service products using touchtone keys. The Office action is incorrect in at least the assertion that column 3, lines 48-53 and column 3 line 62 through column 4, line 4 discloses, in accordance with the inquiring first transaction, storing the identity of the first party and the first telecommunication feature unavailable to the first party. On the contrary, with regard to this feature, Alcott merely discloses that the telephone party identifier can be determined and that "the telecommunication service may or may not be available dependent upon the telecommunication service selected and the location of the originating party." At least the storing of the first telecommunications feature unavailable to the first party is not disclosed. Nor do any of the other cited references disclose this feature, either alone or in combination.

Moreover, the claims as amended recite processing the first data structure and the availability data "in response to upgrading the portion of the telecommunication network which serves the first party". Neither Alcott, Panizzon et al. nor Majmudar et al., alone or in combination, discloses or suggest at least this additional feature.

The Office action uses impermissible hindsight to combine the ordering system of Alcott with a party-line interface circuit of Panizzon et al. Panizzon et al. discloses a circuit to be interposed between a party line subscriber's telephone set and multi-party line, for simulating the service of private or individual line service as closely as possible. Even if one were to combine the party-line circuit of Panizzon et al. with the ordering system of Alcott, at least the feature of processing the first data structure and the availability data "in response to upgrading the portion of the telecommunication network which serves the first party" is not disclosed or suggested by any of the references, alone or in combination.

The Office action further combines the subscriber controlled telecommunication feature modification system of Majmudar et al. with the party-line interface circuit of Panizzon et al. and the ordering system of Alcott. The Office action is incorrect in its assertion that Majmudar et al. teaches that inputting availability data occurs after upgrading the portion of the telecommunication network. The reverse is true. In Majmudar et al., after the user selects a new feature set from the availability data, the system is upgraded. Column 6, lines 1-21. Moreover, the claims as amended recite processing the first data structure and the availability data "in response to upgrading the portion of the telecommunication network which serves the first party". Even if one were to combine the party-line circuit of Panizzon et al. with the ordering system of Alcott, and the telecommunication feature modification system of Majmudar et al., at least this feature is not disclosed or suggested by any of the references, alone or in combination.

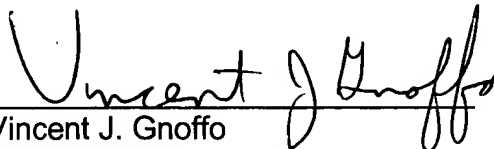
Claims 2-3, 9, 11-12 and 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Alcott, Panizzon and Majmudar. Applicants respectfully traverse.

These claims also include the newly recited feature of processing the first data structure and the availability data "in response to upgrading the portion of

the telecommunication network which serves the first party". Therefore, for a least the reasons discussed above with regard to the other claims, Applicants respectfully request that the rejection be withdrawn.

For all of the above reasons, Applicant respectfully requests reconsideration and allowance of the present application. The Examiner is invited to contact the undersigned attorney at (312) 321-4224 if there are any outstanding issues that could be resolved through a telephone conference.

Respectfully submitted,



Vincent J. Gnoffo
Registration No. 44,714
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60611
(312) 321-4200